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February 15, 2008

BY ECF

Honorable Thomas P. Griesa
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007-1312

Re: Wanda Johnson, et al. v. City of New York, et al.
08 CV 512 (TPG)

Your Honor:

I am the Assistant Corporation Counsel assigned to the defense of the above-referenced matter. I write to respectfully request that defendant City of New York be granted a sixty-day enlargement of time from February 18, 2008 to April 18, 2008, to answer or otherwise respond to the complaint. Plaintiffs' counsel consents to the instant application.

I note for the Court's information that according to the civil docket sheet, the other named defendants in this action, Police Officers Joseph Petrillo and Eric Reynolds, were served with process on or about January 30, 2008. This office has not discussed with Officers Petrillo and Reynolds the manner of service and we make no representation herein as to the adequacy of service upon them. Decisions concerning this Office's representation of Officers Petrillo and Reynolds have not yet been made and accordingly, this request for an extension of time is not made on their behalf. However, given the time involved in determining the representation of a police officer, and in the interest of judicial economy, we would hope that the court may, *sua sponte*, extend the time to answer on behalf of all defendants.

In the complaint, plaintiffs allege, *inter alia*, that, on or about October 21, 2006, their rights were violated when defendant purportedly used force against them and thereafter denied them medical treatment.

There are several reasons for seeking an enlargement of time. First, in accordance with this office's obligations under Rule 11 of the Federal Rules of Civil Procedure, we need this

additional time to investigate the allegations of the complaint. To that end, this office will request from the appropriate criminal court and the District Attorney's Office records that pertain to the incident underlying this action. In the event said records are sealed pursuant to New York Criminal Procedure Law §160.50, this office will also provide to plaintiffs' counsel for execution a consent to the designation of the Corporation Counsel as plaintiffs' agent for release of records sealed pursuant to §160.50. In addition, this office will forward to plaintiffs' counsel medical releases for execution so that we can access plaintiffs' medical records.

In addition, an enlargement of time will allow Police Officers Joseph Petrillo and Eric Reynolds to determine whether they will seek legal representation from this office, and allow this office to determine, pursuant to Section 50-k of the New York General Municipal Law, and based on a review of the facts of the case, whether we may represent these officers should they request representation. See Mercurio v. The City of New York, et al., 758 F.2d 862, 864-65 (2d Cir. 1985) (quoting Williams v. City of New York, et al., 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law)).

No previous request for an extension has been made. Accordingly, we respectfully request that defendant City of New York's time to answer or otherwise respond to the complaint be extended to April 18, 2008.

Thank you for your consideration of this request.

Respectfully submitted,



Caroline Chen
Assistant Corporation Counsel

cc: Brett H. Klein, Esq. (by ECF)
Leventhal & Klein, LLP
Attorneys for Plaintiffs